

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

LAURA PRESSLEY, ROBERT  
BAGWELL, TERESA SOLL, THOMAS L.  
KORKMAS, and MADELON  
HIGHSMITH,  
*Plaintiffs,*

v.

JANE NELSON, in her official capacity as  
the Texas Secretary of State, CHRISTINA  
ADKINS, in her official capacity as the  
Director of the Elections Division of the  
Texas Secretary of State, BRIDGETTE  
ESCOBEDO, in her official capacity as  
Williamson County Elections Administrator  
DESI ROBERTS, in his official capacity as  
Bell County Elections Administrator, and  
ANDREA WILSON, in her official capacity  
as Llano County Elections Administrator,  
*Defendants.*

Civil Action No. 1:24-cv-00318-DII

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**DEFENDANTS' RESPONSE TO PLAINTIFFS' OBJECTIONS TO MAGISTRATE  
JUDGE'S ORDER ON MOTIONS FOR PROTECTIVE ORDER**

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**ATTORNEYS FOR DEFENDANTS**

TO THE HONORABLE JUDGE DAVID A. EZRA:

Defendants Jane Nelson (“Nelson”) and Christina Adkins (“Adkins”) of the Texas Secretary of State hereby file this Response to Plaintiffs’ Objections to the Magistrate Judge’s Order on the parties’ Motions for Protective Order, and would respectfully show as follows:

**ARGUMENT**

Magistrate Judge Hightower correctly determined that Defendants’ proposed confidentiality and protective order was appropriate given the Plaintiffs’ unwillingness to provide unredacted copies of the exhibits they attached to their Complaint. Plaintiffs presented no good faith argument that they should be permitted to have ex parte communications with this Court, and these Objections serve only to burden the Court with an additional, frivolous filing. While Plaintiffs correctly note that the Defendants have filed Motions to Dismiss raising as many arguments as were possible given the lack of access to these exhibits, Defendants Nelson and Adkins nonetheless maintain they are entitled to view these exhibits so they may raise any and all additional jurisdictional and facial arguments the exhibits may prompt. If the case is not dismissed prior, such arguments may be raised in the future under Rules 12(c) or 56. Thus, Plaintiffs’ argument that the protective order is moot has no merit. And their attempt to hide the ball in this case appears to be no more than mere gamesmanship to avoid or delay dismissal or an adverse judgment.

As for their specific objections, Plaintiffs’ arguments rest on the mere assumption that providing the exhibits they hope to rely on in this case—*to the Defendants they have sued*—would violate the ballot secrecy of thousands of voters. (Dkt. #68 at 4). They have entirely failed to demonstrate that result would actually occur. Moreover, even if this information—inevitably, by explaining the “algorithm,”—would be disclosed to the Defendants, they are entitled to that information simply because Plaintiffs have put that information in play—they have made it relevant, and as a fundamental litigation principle, the Defendants have a due process right to see and respond. Based on the above,

Magistrate Judge Hightower correctly applied the appropriate balancing test—found in Fed. R. Civ. P. 26(c)(1)—and determined that Plaintiffs’ attempt to keep the Defendants in the dark was unjustified. (Dkt. #65 at 3–4).

### **CONCLUSION**

For the foregoing reasons, Defendants Nelson and Adkins respectfully request the Court overrule Plaintiffs’ objections and leave undisturbed Magistrate Judge Hightower’s ruling on the parties’ dueling Motions for Protective Orders.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been sent by electronic notification through ECF on October 9, 2024, to all counsel of record. I further certify that a true and correct copy of the foregoing instrument has been sent via e-mail as follows:

*Via email:*

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**PRO SE LITIGANT**

*/s/ Joseph Keeney* \_\_\_\_\_  
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